

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ELVANO GALLI)	
Plaintiff,)	
)	
v.)	C.A. No. 04CV11544JLT
)	
F/V BARBARA ANN (O.N. 699442))	
her engines, boilers, tackle,)	
fishing permits and appurtenances,)	
<i>in rem</i>)	
)	
and Louis Pasquale, <i>in personam</i> ,)	
Defendant.)	

PLAINTIFF'S REQUEST FOR 55(a) DEFAULT

NOW COMES the Plaintiff, Elvano Galli, to respectfully request that the Clerk enter a default against the F/V BARBARA ANN (O.N. 699442) and Louis Pasquale. In support of this request, the Plaintiff states that the Defendants were served with a copy of the Plaintiff's Verified Complaint on November 15, 2004 as demonstrated by the returns of service filed with this Court. The Defendants failed to plead or otherwise defend as provided by the Rules. The Plaintiff then had the U.S. Marshal publish notice of the arrest of the vessel pursuant to the admiralty rules in the Boston Herald on December 10, 2004. See U.S. Marshal return of service filed separately. The time limit has passed for any other person or entity to file a claim against said vessel. Therefore, the Defendants, F/V BARBARA ANN (O.N. 699442) and Louis Pasquale must have a default entered against them pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Respectfully submitted,

Elvano Galli

By its attorney

/s/ David S. Smith

David S. Smith, Esquire

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CERTIFICATE OF SERVICE

I, David S. Smith, attorney for the Plaintiff herein, hereby certify that I caused to have served a true copy of the foregoing document upon the Defendant, Louis Pasquale, care of the Essex County Correctional Facility & Sheriff's Headquarters P.O. Box 807 Middleton, Massachusetts 01949-2807 via regular mail, postage prepaid, this 11th day of January, 2005.

/s/ David S. Smith

David S. Smith